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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 JAMES DALE MOSELEY,

11 Plaintiff,

12 v.

13 WASHINGTON DEPARTMENT OF
14 CORRECTIONS,

15 Defendant.

CASE NO. C16-5698 BHS-JRC

ORDER

16 Before the Court are two motions to compel filed by plaintiff. Dkts. 44, 47. The Court
17 denies both motions because plaintiff did not include a certification that he conferred with
18 counsel for defendants before he filed his motion.

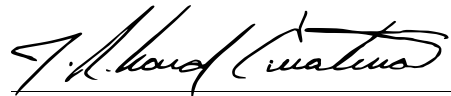
19 In his first motion, plaintiff asks the Court to compel defendants to produce medical
20 documents pertaining to hospital trips. Dkt. 44. In his second motion, plaintiff moves for the
21 Court to compel defendants to produce an IMS Committee meeting agenda from July 8, 2016.
22 Dkt. 47. Neither of plaintiff's motions include a certificate that plaintiff has in good faith
23 conferred or attempted to confer with counsel for defendants. *See* Dkts. 44, 47. In response to
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1 plaintiff's motion, counsel for defendants submits a declaration, stating that plaintiff has not
2 made any efforts to contact defendants regarding his discovery requests and that the parties have
3 not met and conferred. Dkts. 48, 49 at ¶ 7 (Declaration of Marko Pavela, Counsel for
4 Defendants).

5 While a party may apply to the court for an order compelling discovery, Fed. R. Civ. P.
6 37 and LCR 37(a)(1) require the movant to first meet and confer with the party failing to make
7 disclosure or discovery in an effort to resolve the dispute without court action. In addition, when
8 filing a motion to compel, the movant must include a certification, in the motion or in a
9 declaration or affidavit, that the movant has in good faith conferred or attempted to confer with
10 party failing to make disclosure or discovery in an effort to resolve the dispute without court
11 action. The certification must list the date, manner, and participants to the conference. If the
12 movant fails to include such a certification, the Court may deny the motion without addressing
13 the merits of the dispute. *See* LCR 37(a)(1).

14 Plaintiff has failed to meet his requirements under the local court rule by not conferring
15 with defendants' counsel by telephone or providing a certification of compliance with this rule.
16 Therefore, the Court denies plaintiff's motions to compel (Dkts. 44, 47).

17 Dated this 4th day of May, 2017.

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20 J. Richard Creatura
21 United States Magistrate Judge
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